

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. PR 06-0120

CUSTER BATTLEFIELD PRESERVATION
COMMITTEE,

Plaintiff,

v.

JANICE M. SMITH, ROBERT NIGHTINGALE,
JASON PITSCH, CUSTER BATTLEFIELD MUSEUM,
INC., a Montana Corporation, AND ALL OTHER
PERSONS UNKNOWN CLAIMING OR WHO MIGHT
CLAIM ANY RIGHT, TITLE, ESTATE, OR INTEREST
IN, OR LIEN OR ENCUMBRANCE UPON,
THE REAL PROPERTY DESCRIBED IN THE
COMPLAINT, ADVERSE TO PLAINTIFF'S
OWNERSHIP, OR ANY CLOUD ON PLAINTIFF'S
TITLE THERETO, WHETHER SUCH CLAIM OR
POSSIBLE CLAIM BE POSSIBLE OR CONTINGENT,

Defendants.

FILED

MAR 18 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

O R D E R

Janice Smith seeks to disqualify the Honorable Blair Jones from presiding in Cause No. DV 2006-35 in the Twenty-second Judicial District Court, Big Horn County, pursuant to § 3-1-805, MCA. Smith has submitted two affidavits to disqualify Judge Jones, her own affidavit and an affidavit sworn to by her attorney, Edward Zimmerman.

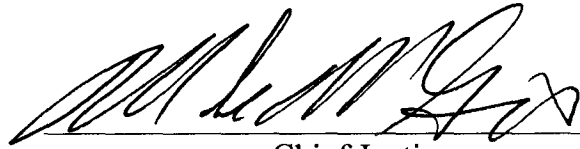
The affidavits point to various rulings by Judge Jones in another case as evidence that he should be disqualified in Cause No. DV 2006-35. However, the affidavits do not allege any specific facts showing personal bias or prejudice against the complaining party as required by § 3-1-805, MCA.

IT IS THEREFORE ORDERED:

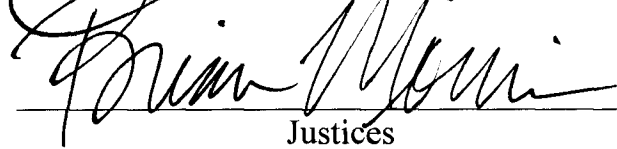
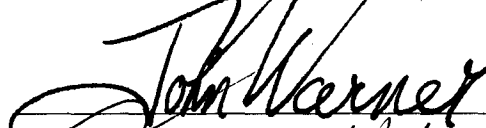
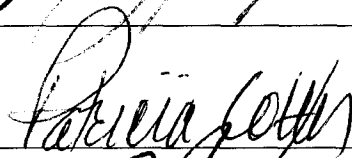

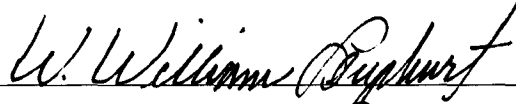
1. The request to disqualify District Judge Jones in Big Horn County Cause No. DV-2006-35 is DENIED.

2. The Clerk is directed to provide copies of this order to the Clerk of the District Court of Big Horn County for notification to counsel of record in Cause No. DV-2006-35, and to the Honorable Blair Jones, District Judge.

DATED this 17th day of March, 2009.



Chief Justice



Justices